

Article - Environment

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§9–243.

(a) To enforce this Part III of this subtitle and to ensure compliance with each sewage sludge utilization permit, a representative of the Department, the local health official, or the local health official's designee may enter and inspect, at any reasonable time, any site where sewage sludge is utilized.

(b) A sewage sludge utilizer may not:

(1) Refuse access to a sewage sludge utilization site to any representative of the Department, to a local health official, or to the local health official's designee, who requests access under this section; or

(2) Interfere with any inspection under this subtitle.

(c) A local health official or the local health official's designee may inspect, monitor, and investigate any sewage sludge utilization site in the county where the official is employed.

(d) (1) With the concurrence of the Department, a local health official may:

(i) Issue a stop work order to stop utilizing sewage sludge at a site; and

(ii) Suspend a sewage sludge utilization permit.

(2) If a local health official recommends issuance of a stop work order and the Department does not concur, the Department shall inspect the sewage sludge utilization site within 24 hours after it receives the recommendation.

(3) After inspecting the site and if necessary, the Department shall issue a stop work or other order to obtain compliance with State law, departmental regulations, or the sewage sludge utilization permit.

(4) A county may seek injunctive relief or other appropriate remedies in circuit court if:

(i) A local health official is not satisfied that the enforcement measures of the Department are adequate to protect public health and safety in the county; or

(ii) The Department does not make the inspection required by paragraph (2) of this subsection.

(5) A local health official shall:

(i) Give the Department prompt notice of any inspection made by the local health official; and

(ii) Report promptly in writing to the Department:

1. The time and place of the inspection;

2. A summary and findings of the inspection;

3. Any enforcement action that the local health official takes or recommends; and

4. Any permit modifications or other modifications that the local health official recommends.

(e) (1) The Department:

(i) May delegate to the local health official any inspection, monitoring, or enforcement authority of the Department under this Part III of this subtitle; and

(ii) Shall adopt regulations that establish standards for delegating authority under this subsection.

(2) The regulations adopted under this subsection shall include:

(i) Procedures for submission, review, and approval or disapproval of any application for delegation of authority;

(ii) Provisions requiring that any application for delegation of authority be approved by the county;

(iii) Provisions for oversight by the Department, including program evaluations and financial audits; and

(iv) Provisions for revocation of a delegation, if the local health official fails to comply with the terms of a delegation agreement.

(3) If the Department finds that an application for delegation of authority meets all applicable requirements of this section and the regulations adopted under this section, the Department shall enter into a written delegation agreement.

(4) The Department shall establish performance standards for grants to provide reasonable reimbursement to counties, to the extent funds are available, for costs local health officials incur when they undertake authority delegated under this subsection.

(5) A local health official may act through a designee under this subsection in accordance with an approved delegation agreement.

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